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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARY HANNIGAN, individually and as
successor in interest to Decedent **KURT**
VON BOEHRENS, ESTATE OF KURT
VON BOEHRENS, by and through the
administrator of the estate, Mary Hannigan,

Plaintiffs,

vs.

Case No. 3:23-cv-02096-LB

**UPDATED JOINT CASE
MANAGEMENT STATEMENT**

Date: **April 10, 2025**

Time: **11:00 a.m.**

Via Zoom Webinar

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, San Francisco Police Department Officers **DOES 1-25**, San Francisco Fire Department Employees **DOES 26-50**, and **DOES 51-75**, jointly and severally,
 Defendants.

Plaintiffs and Defendants respectfully submit the following Initial Joint Case Management Conference Statement.

1. Jurisdiction and Service

Jurisdiction lies under 28 U.S.C. §§ 1331 and 1343(a)(3)-(4) based on federal question jurisdiction. The Court has supplemental jurisdiction over the common law and state law claims under 28 U.S.C. § 1367.

Defendants do not contest this Court's jurisdiction or venue.

2. Facts

There are no updates to this category.

3. Legal Issues

There are no updates to this category.

4. Motions

There are no updates to this category.

5. Amendment of Pleadings

Plaintiffs filed a First Amended Complaint, naming individual Defendants previously identified as DOE Defendants, on August 23, 2024. ECF No. 34. Defendants filed an Answer to the First Amended Complaint, on October 11, 2024. ECF No. 38.

6. Evidence Preservation

There are no updates to this category.

7. Initial Rule 26(a)(1) Disclosures

There are no updates to this category.

8. Discovery

Both sides have served and responded to written discovery requests. The parties have recently met and conferred about various outstanding documents, including, but not limited to, documents and interviews related to the internal affairs investigation into this in-custody death that have not yet been produced. The City is working diligently to marshal and produce the outstanding materials, but it is a time-consuming process. The Parties continue to work cooperatively and are working to schedule a telephone conference, after the Case Management Conference, to attempt an informal resolution to any outstanding document production issues.

Additionally, Plaintiffs issued a subpoena duces tecum under Federal Rule of Civil Procedure 45 for various materials from the District Attorney's ("DA") Office concerning this in-custody death, but the DA's office has requested an extension to May 5, 2025, based on the representation that responsive records were being compiled.

Plaintiffs have now produced approximately 775 pages of responsive documents. The Defendants have produced some 2733 documents, including many hours of body worn camera footage.

Due to the pendency of key documents, the case is not quite ready to move into the deposition phase, but counsel are working diligently to complete all written discovery and obtain all outstanding documents, so that depositions can commence.

9. Class Actions

There are no updates to this category.

10. Related Cases

There are no updates to this category.

11. Relief

There are no updates to this category.

12. Settlement and ADR

On February 6, 2025, counsel for the parties held a Telephonic Pre-Settlement Conference with the Hon. U.S. Magistrate Judge Lisa Cisneros. The parties agreed to tentative date for the

1 settlement conference of June 23, 2025, which will be held in person and start at 10:00 a.m. Given
 2 the complexity of this case, however, the parties and Judge Cisneros set a date of May 23, 2025,
 3 by which the parties shall file a joint status report, indicating whether they would like to confirm
 4 the June 23, 2025, settlement conference date or propose alternate dates.

5 **13. Consent to Magistrate Judge For All Purposes**

6 There are no updates to this category.

7 **14. Other References**

8 There are no updates to this category.

9 **15. Narrowing of Issues**

10 There are no updates to this category.

11 **16. Expedited Trial Procedure**

12 There are no updates to this category.

13 **17. Scheduling**

14 As explained above, the parties are working diligently to complete written discovery, so
 15 that depositions can commence, and are aiming to complete as much discovery as possible in the
 16 following weeks. However, the undersigned counsel for Plaintiffs is set to start a ~10-day jury trial
 17 on April 22, 2025, and the undersigned counsel for Defendants, likewise, has limited availability.
 18 Given the bilateral professional courtesy that counsel wish to extend in this case in order to take
 19 into account the schedules of parties, non-party deponents, and counsel in terms of the setting of
 20 depositions, given that the DA's office requires until 05/05/25 to respond to the Plaintiffs'
 21 subpoena (and it is unknown if all responsive documents will be produced at that time, or whether
 22 privileges will be asserted), and given the highly impacted schedules of all counsel, there is a
 23 reasonable likelihood that the parties may need to request an additional modification of the
 24 scheduling order. This will be known when the City has completed its production and when the
 25 DA's office has made its production, at which time counsel can hold a meet and confer call to get
 26 depositions on calendar.

18. **Trial**

There are no updates to this category.

19. **Disclosure of Non-party Interested Entities or Persons**

There are no updates to this category.

20. **Professional Conduct**

There are no updates to this category.

21. **Other Matters**

There are no updates to this category.

Respectfully Submitted,

Dated: April 3, 2025

LAW OFFICE OF SANJAY S. SCHMIDT

/s/ Sanjay S. Schmidt

By: SANJAY S. SCHMIDT
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MARY HANNIGAN and
ESTATE OF KURT VON BOEHRENS

Dated: April 3, 2025

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FRANK M. LA FLEUR
Deputy City Attorney

/s/ Frank La Fleur (as authorized 04/03/25)

By: FRANK LA FLEUR
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